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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,534	08/27/2003	Don A. Forte	7287	5438

7590

08/23/2004

JOHNS MANVILLE  
Legal Department  
10100 West Ute Avenue  
Littleton, CO 80127

EXAMINER

TAWFIK, SAMEH

ART UNIT PAPER NUMBER

3721

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/649,534	<b>Applicant(s)</b> FORTE ET AL.	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 10 and 15-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03182004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3 and 7-19, drawn to an insulation blanket packaging machine, classified in class 053, subclass 528.
- II. Claims 4-6 and 20-24, drawn to a method for packaging insulation blanket, classified in class 053, subclass 438.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case process as claimed can be practiced by another materially different apparatus such as one with means to successively feeding insulation blankets, successively moving groupings of blankets, successively positioning grouping of blankets, and successively enveloping each grouping of compressed insulation blankets.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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During a telephone conversation with Mr. Robert Touslee on 08/17/2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-3 and 7-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-6 and 20-24 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allwein (4,805,383) in view of Terry (3,837,138).

Allwein discloses an insulation blanket-packaging machine comprising an insulation blanket loading station (Fig. 1; via 12 and 14) for successively receiving insulation blankets (B), the insulation blankets each having a length and a width that define major surfaces of the insulation blanket and a thickness (Fig. 2), the insulation blankets each being compressible, an insulation blanket transfer station (via lifting tray 16) for successively receiving insulation

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blankets (B) from the insulation blanket loading station (14) and transferring the insulation blankets from the insulation blanket loading station to an insulation blanket compression station (via compression plate 24), vertical insulation blanket moving means for successively moving groupings of one or more insulation blankets at a time in a generally vertical direction from the insulation blanket loading station (14) through the insulation blanket transfer station (Fig. 1; via escapements 20) into the insulation blanket compression station (via plate 24), and the insulation blanket packaging station (Figs. 8A-8F; via packaging film 84) comprising means for successively enveloping each grouping of one or more compressed insulation blankets (B) fed from the insulation blanket compression station into the insulation blanket packaging station within sheet material to successively form packages of each grouping of one or more compressed insulation blankets fed from the insulation blanket compression station into the insulation blanket packaging station (Figs. 8A-8F). Allwein does not disclose that the insulation blanket compression station comprising upper and lower compression conveyors for successively receiving there between the groupings of one or more insulation blankets moved from the insulation blanket loading station through the insulation blanket transfer station into the insulation blanket compression station by the vertical insulation blanket moving means; the upper and lower compression conveyors being movable relative to each other for successively compressing each grouping of one or more insulation blankets located intermediate the upper and lower compression conveyors to successively form groupings of one or more compressed insulation blankets, the upper and lower compression conveyors being operable to successively move each grouping of one or more compressed insulation blankets from the insulation blanket compression station into an insulation blanket packaging station. However, Terry discloses a

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similar blanket packaging and compressing machine comprising compression station comprising upper and lower compression conveyors (Fig. 1; via conveyors 78 and 80) for successively receiving the compressed product between them and the compressing conveyors are being movable relative to each other (Fig. 1 and column 4, lines 24-29) for successively compressing each grouping of one or more of the products located intermediate the upper and lower compression conveyors to successively form groupings of one or more compressed products.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Allwein's compression plate 24 by having movable compressing conveyors, as suggested by Terry, in order to provide a higher and more uniform compression while maintaining a cleaner appearance and saving both time and labor (column 1, lines 25-27).

Regarding claim 2: Allwein discloses the insulation blanket loading station (14) is for receiving insulation blankets (B) in the form of unfolded or single-fold insulation batts (Figs. 1 and 2); the insulation blanket transfer station (Fig. 1; via 20) and the vertical insulation blanket moving means (16) are for moving each grouping of one or more unfolded or single-fold insulation batts from the insulation blanket loading station (16) into the insulation blanket compression station (24) with the major surfaces of the one or more unfolded or single-fold batts in each grouping oriented to lie in planes parallel to planes of compressing surfaces of the compression conveyors of the compression station (Figs. 1-3). Allwein does not disclose that the compressing conveyors are for compressing the one or more unfolded or single-fold batts in each grouping in a direction perpendicular to the thicknesses of the one or more unfolded or single-fold batts in each grouping to form each grouping of one or more unfolded or single-fold

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insulation batts into a grouping of one or more compressed unfolded or single-fold insulation batts. However, Terry discloses that the compressing conveyors (Fig. 1; via 78 and 80) are for compressing the one or more unfolded or single-fold batts in each grouping in a direction perpendicular to the thicknesses of the one or more unfolded or single-fold batts in each grouping to form each grouping of one or more unfolded or single-fold insulation batts into a grouping of one or more compressed unfolded or single-fold insulation batts (Fig. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Allwein's compression plate 24 by having movable compressing conveyors, as suggested by Terry, in order to provide a higher and more uniform compression while maintaining a cleaner appearance and saving both time and labor (column 1, lines 25-27).

Regarding claim 3: Terry discloses that the insulation blanket loading station 14) is for receiving insulation blankets in groupings of one or more spiral wound rolls of insulation blanket having a generally round shape (note it is inherent that Allwein's packaging apparatus is capable of receiving and compressing blankets on round shape); the insulation blanket transfer station and the vertical insulation blanket moving means (16) are for moving each grouping of one or more spiral wound rolls of insulation blanket from the insulation blanket loading station into the insulation blanket compression station (24) with central axes of the one or more spiral wound rolls of insulation blanket in each grouping being oriented to lie in planes parallel to planes of compressing surfaces of the compression conveyers of the compression station. Allwein does not disclose that compressing conveyors are for compressing the one or more spiral wound rolls of insulation blanket in each grouping in a direction perpendicular to the central axes of the one

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or more spiral wound rolls of insulation blanket in each grouping to form each grouping of one or more spiral wound rolls of insulation blanket into a grouping of one or more compressed spiral wound rolls of insulation blanket having a generally flat oval shape. However, Terry discloses that compressing conveyors (Fig. 1; via compressing conveyors 78 and 80) are for compressing the one or more spiral wound rolls (Fig. 1; via rolls of batts between the compressing conveyors 78 and 80) of insulation blanket in each grouping in a direction perpendicular to the central axes of the one or more spiral wound rolls of insulation blanket in each grouping to form each grouping of one or more spiral wound rolls of insulation blanket into a grouping of one or more compressed spiral wound rolls of insulation blanket having a generally flat oval shape (Fig. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Allwein's compression plate 24 by having movable compressing conveyors, as suggested by Terry, in order to provide a higher and more uniform compression while maintaining a cleaner appearance and saving both time and labor (column 1, lines 25-27).

Regarding claim 8: Allwein discloses means for successively feeding batts (via 12) into the batt loading station (14) and means for successively removing packages from the batt packaging station (column 6, lines 45-48).

Regarding claim 9: Allwein discloses that with respect to each batt stack (B) formed in the transfer and batt-stacking station (20), the vertical batt stack moving means (16) also moves a single batt from the batt loading station (14) into the transfer and batt stacking station to complete the formation of the batt stack in the transfer and batt stacking station prior to vertically



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moving the batt stack thus formed from the transfer and batt-stacking station into the batt compression station (Figs. 1 and 2).

Regarding claim 11: Allwein discloses that the vertical batt moving means (16) for successively moving batts (B) in a generally vertical direction from the batt loading station (14) into the transfer and batt-stacking station (20) elevates the batts, the vertical batt stack moving means (16) for moving the successively formed batt stacks from the transfer and batt-stacking station into the batt compression station (24) elevates the batt stacks. Allwein does not disclose that the compression conveyors are operative to move the compressed batt stacks in a generally horizontal direction into the batt packaging station. However, Terry disclose that the compression conveyors are operative to move the compressed batt stacks in a generally horizontal direction into the batt packaging station.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Allwein's compression plate 24 by having movable compressing conveyors, as suggested by Terry, in order to provide a higher and more uniform compression while maintaining a cleaner appearance and saving both time and labor (column 1, lines 25-27).

Regarding claim 12: Allwein discloses that the vertical batt moving means (16) for successively moving batts in a generally vertical direction from the batt loading station into the transfer and batt-stacking station (20) is a reciprocating launch frame that reciprocates between a retracted position for permitting batts to be successively fed into the batt loading station and an extended position for successively feeding the batts from the batt loading station into a batt-

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stacking chamber (via 18 and 19) of the transfer and batt stacking station (20), see for example (Figs. 1 and 2).

Regarding claim 13: Allwein discloses that the vertical batt moving means (16) for successively moving batts (B) in a generally vertical direction from the batt loading station into the transfer and batt stacking station (20) is a reciprocating launch frame that reciprocates between a retracted position for permitting batts to be successively fed into the batt feeding station and an extended position for successively elevating and feeding the batts from the batt loading station into a batt-stacking chamber (chamber 18 and 19) of the transfer and batt-stacking station (Fig. 2), and the batt-stacking chamber of the transfer and batt-stacking station includes means for retaining the batts successively fed into the batt-stacking chamber of the transfer batt-stacking station stacked and elevated above the batt loading station until (via 20 to hold the batts on place) the vertical batt stack moving means for vertically moving the successively formed batt stacks from the transfer and batt-stacking station into the batt compression station (via 16) moves the successively formed batt stacks into the batt compression station (Figs. 1-3; via 24 and 25).

Regarding claim 14: the vertical batt moving means (16) for successively moving batts in a generally vertical direction from the batt loading station (14) into the transfer and batt stacking station (20) is a reciprocating launch frame that reciprocates between a retracted position for permitting the batts to be successively fed into the batt loading station (via 16 start moving by the loading station 14) and an extended position for successively elevating and feeding the batts from the batt loading station into a batt-stacking chamber (via 19 and 18) of the transfer and batt-stacking station; and the batt-stacking chamber of the transfer and batt-stacking

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station includes means for retaining the batts successively fed into the batt stacking chamber of the transfer and batt-stacking station stacked and elevated above the batt loading station (via 20) until the vertical batt stack moving means for vertically moving the successively formed batt stacks from the transfer and batt-stacking station into the batt compression station (Fig. 3 via 24 and 25) moves the successively formed batt stacks into the batt compression station, and the vertical batt stack moving means for vertically moving the successively formed batt stacks from the transfer and batt-stacking station into the batt compression station comprises reciprocating batt stack supporting and elevating means that reciprocates from a retracted position for permitting the batts to be successively fed from the batt loading station (14) into the batt-stacking chamber (Fig. 1; via chamber 18 and 19) of the transfer and batt-stacking station by the vertical batt moving means (16) during the formation of each batt stack in the transfer and batt-stacking station to an extended position for moving a single batt from the batt loading station into the transfer and batt-stacking station to complete the formation of each batt stack in the transfer and batt-stacking station and for supporting the batt stack thus formed while the batt stack is elevated within the batt-stacking chamber from the transfer and batt-stacking station into the batt compression station (24 and 25) and back to the retracted position while in the batt compression station with the reciprocating batt stack supporting and elevating means (20) being retracted. Allwein does not disclose that the lower compression conveyor of the batt compression station advances to transfer the batt stack from the reciprocating batt stack support and elevating means to the lower compression conveyor for compression in a compression chamber of the batt compression station. However, Terry discloses that the lower compression conveyor (76) of the batt compression station advances to transfer the batt stack from the reciprocating batt stack

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support and elevating means to the lower compression conveyor for compression in a compression chamber of the batt compression station (Fig. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Allwein's compression plate 24 by the lower compression conveyor (76) of the batt compression station advances to transfer the batt stack from the reciprocating batt stack support and elevating means to the lower compression conveyor for compression in a compression chamber of the batt compression station, as suggested by Terry, in order to provide a higher and more uniform compression while maintaining a cleaner appearance and saving both time and labor (column 1, lines 25-27).

#### ***Allowable Subject Matter***

Claims 10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Louis 5979145, Palamides 5353576, and Cinotti 5331788 disclose different blanket packaging machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
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A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned below the printed name and title.

ST.